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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,260	04/25/2006	Henry Chiu	P1983R1	4532

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EXAMINER	
SPECTOR, LORRAINE	
ART UNIT	PAPER NUMBER
1647	
MAIL DATE	DELIVERY MODE
06/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/528,260	CHIU ET AL.	
	Examiner	Art Unit	
	Lorraine Spector, Ph.D.	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-28* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) nucleic acids and method of making protein (there are no claims drawn to methods of making nucleic acids).

Group II claim(s) 9 and 14-17, in part, drawn to proteins.

Group III, claim(s) 12-13 and 14-17 in part, drawn to antibodies.

Group IV, claim(s) 14-17 in part, drawn to agonist molecules or compositions.

Group V claim(s) 14-17, in part, drawn to antagonist molecules or compositions.

Group VI, claim(s) 18 and 19, in part, drawn to a method of treating a B cell disorder with protein.

Group VII, claim(s) 18 and 19, in part, drawn to a method of treating a B cell disorder with an agonist.

Group VIII, claim(s) 18 and 19, in part, drawn to a method of treating a B cell disorder with an antagonist.

Group IX, claim(s) 18 and 19 in part, drawn to a method of treating a B cell disorder with antibodies.

Group X, claim(s) 20, drawn to an assay for PRO protein using antibodies.

Group XI, claim(s) 21, 22, 28, drawn to a method of diagnosing a B cell related disease using antibodies.

Group XII, claim(s) 23-25, drawn to an assay for an antagonist using cells (non-recombinant).

Group XIII, claim(s) 26, drawn to an assay for an agonist using cells (non-recombinant).

Group XIV, claim(s) 27, drawn to a method of stimulating a B cell response using an antagonist.

The inventions listed as Groups I-XIV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the nucleic acids of Invention I are not required for any of the other inventions and thus cannot be considered to be a unifying technical feature.

Regardless of the invention elected above, the following species requirements are applicable:

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

A) Regardless of the elected invention, each specific PRO (the nucleic acid that encodes it or the polypeptide, depending upon the elected invention) constitutes a distinct species. The claims are deemed to correspond to the species listed above in the following manner: All claims are generic.

B) Should applicants elect any one of inventions III-V, they must elect a single species selected from the groups consisting of a protein, an antibody, an agonist, or an antagonist. In the case of Invention III, claims 12-13 correspond to antibodies. In all cases, claims 14-17 are generic.

C)Should applicants elect any one of Inventions VI-IX further election of a single species from claim 19 is required. Claim 18 is generic.

Applicant is required, in reply to this action, to elect a single species from each of groups A-C above, to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any

claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

With respect to group A: The species lack unity of invention because they have no demonstrated common structure (each individual sequence varies from the others in non-predictable ways) nor any disclosed common function associated with such structure, and none requires any of the others. Additionally, each has separate and distinct uses. Accordingly, unity of invention is lacking.

With respect to group B: The species lack unity of invention because they have no demonstrated common structure (each individual sequence varies from the others in non-predictable ways) nor any disclosed common function associated with such structure, and none requires any of the others. Accordingly, unity of invention is lacking.

With respect to group C: There is no common disclosed feature of the various disclosed diseases. Each has different causes and effects, etiology, and appropriate treatment. Accordingly, unity of invention is lacking.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Lorraine M. Spector. Dr. Spector can normally be reached Monday through Friday, 9:00 A.M. to 3:00 P.M. at telephone number 571-272-0893.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's supervisor, Dr. Manjunath Rao, at telephone number 571-272-0939.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Official papers filed by fax should be directed to **571-273-8300**. Faxed draft or informal communications with the examiner should be directed to ***571-273-0893.***

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lorraine Spector/ , Ph.D.
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Art Unit 1647